

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

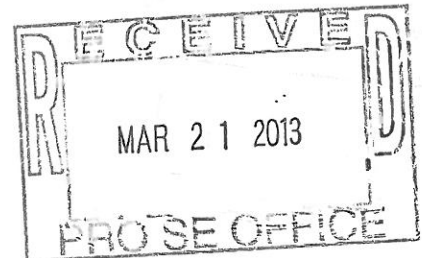
13 CV 1964

Romana Van Houtven

(In the space above enter the full name(s) of the plaintiff(s).)

## COMPLAINT

-against-

Jury Trial: ☒ Yes ☐ No  
(check one)

Detective- Paul Adams  
 SPA- HOLLER Judith  
 SGT- Codd George  
 PAA- TANSEY  
 SGT- DEIACRUZ  
 Domestic-PO Callahan  
 SGT- JAMES FOX

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Romana Van Houtven  
 Street Address 350 Albany Street APT 6A  
 County, City New York, N  
 State & Zip Code NY. 10280  
 Telephone Number 646-281-1369

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Paul Adams  
 Street Address 16 E Ricsson Place  
NY NY 10013

County, City N.Y.  
 State & Zip Code 10013  
 Telephone Number (212) 334-0636

Defendant No. 2 Name Judith Hoiler  
 Street Address 16 Ericsson Place  
 County, City N.Y. N.Y.  
 State & Zip Code NY 10013  
 Telephone Number (212) 334-0636

Defendant No. 3 Name SGT Codd George  
 Street Address 16 Ericsson Place  
 County, City N.Y.  
 State & Zip Code NY 10013  
 Telephone Number (212) 334-0636

Defendant No. 4 Name SGT Delacruz  
 Street Address 16 Ericsson Place  
 County, City N.Y. N.Y.  
 State & Zip Code NY 10013  
 Telephone Number (212) 334-0636

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)  
☒ Federal Questions ☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? (1) Equal protection to the law 1983 Statute. (2) Discrimination (3) 1st Amendment to be free to move around (4) Freedom of Speech

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?  
 Plaintiff(s) state(s) of citizenship New York  
 Defendant(s) state(s) of citizenship New York

## III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.



You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? 1<sup>ST</sup> Police Precinct IN New York City, 16 Ericsson Place
- B. What date and approximate time did the events giving rise to your claim(s) occur? 3/22/2010  
08/31/2012

c. Facts: I was falsely arrested and charged with crimes of Stalking 4<sup>th</sup> degree. Paul Adams detective assigned to case, falsified police reports and abused the process bullied and harass me and I was arrested for 2 days.

What happened to you?

Who did what?

Det. Paul Adams failed to investigate the allegation.

Was anyone else involved?

Stephen Casey Kutner When to 1<sup>ST</sup> Police Precinct IN NYC to seek an order of protection only and stated he did not want me arrested or charged with crimes.

Who else saw what happened?

A. DA - @ MOLLY GALLIVAN - ESQ @ AYLSSA GAMLIEL - Legal Aid  
ERIC KRAFFVILLE who handled case for the People of New York was a witness to reports made  
False by NYPD officers

#### IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was traumatized, shocked to my Nervous system and experienced Depression, humiliation and felt degraded to Criminal stature, Low self esteem and feeling of Worthlessness felt.. Supressed and discriminated. Sought out Psychologist.

V. Relief: For injury, costs, and punitive \$75,000

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. ~~for~~ Nominal damages \$2,500

- A) I incurred to pay Legal fees to a criminal Lawyer, Molly Gailivan. I missed two full days of work \$500 per day X 2 = \$1,000 and 2 more Court appearances, time was taken from work.
- B) Punitive damages for excessively detaining and, for falsifying facts of events in a police report.
- C) Compensation for caused pain and suffering - TOTAL \$75,000 - Punitive and Nominal and special damages to arrest record

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3 day of 21, 2013

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

*Rosella*  
 350 ALBANY ST APT 6A  
 NEW YORK, NY  
 10020  
 646-281-1369

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

**For Prisoners:**

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number \_\_\_\_\_



17.06

NAME: [REDACTED] ADDRESS: [REDACTED]  
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]  
DATE OF BIRTH: [REDACTED] SEX: F RACE: WHITE HIG SCHOOL GRAD: YES  
LIFE EXP: PUB. QUARTERLY

AGE: 45  
PHONE: (317) 605-2425

ADDR: 600 WEST 42 STRE MANHATTAN NY  
 SKIN TONE: CAUCASIAN HT: 5-01 WT: 125 EYE COLOR: BROWN HAIR COLOR: BLACK  
 SOC STATUS: SOC SEC #: [REDACTED] SOFTWIST RELAT: GIRLFRIEND  
 PHYSICAL COND: APPARENTLY NORMAL TYPE DRUG USED: NONE  
 OCCUPATIONAL AREA: OTHER  
 LICENSE/PERMIT-TYPE(EXC DRIVER/OPR/REG):  
 CALLS: NO: NAME: REFUSED NO: NAME:  
 TRACER# 00000000 NYSD# 05823220R FAX# 90016732 ART PRON: ON LINE ARREST

\*\*\*\*\*  
1 NARRATIVE: AT T/P/O DEFT DID SHOW UP AT C/V'S JOB UN-INVITED  
1 AND DID MAKE A SCENE DEFT HAD TO BE REMOVED BY SEC  
1 URITY DEFT HAS ALSO SENT UNWANTED GIFTS AS WELL AS  
1 \*\*\*\*\*  
1 CHARGES INFORMATION \*\*\*\*\*

[illegible]

ARREST RELATED INFORMATION

TIME 13:55 DATE 03/22/10 CMD 001

WEAPON POSS/USED:

NUM OF ASSOC: 00

PROPERTY VOUCHERS:

1 NO: CMD: VAL: TYP:

2 NO: CMD: VAL: TYP:

3 NO: CMD: VAL: TYP:

ARREST LOC: 16

ERICSSON PLACE

\*\*\*\*\* TYPE: \*\*\*\*\*

1 COMPLAINT/UF-61/VICTIM INFORMATION \*\*\*\*\*

1 IS COMPL A CORP? NO OR PSNY? NO OR DISABLED? NO TOTAL VICTIMS = 00

1 COMPL NAME: KUTNER STEPHEN C SEX: M RACE: WHITE AGE: 35

1 ADDR: \_\_\_\_\_ TEL NUM: (\_\_\_\_) \_\_\_\_\_

1 AIDED NO: \_\_\_\_\_ AIDED CMD: \_\_\_\_\_ ACC NO: \_\_\_\_\_ ACC CMD: \_\_\_\_\_

1 UF-61: NO \_\_\_\_\_ CMD: 001 SECTOR: G JURISDICTION: N. Y. POLICE DEPT

1 TIME & DATE OF OCCURRENCE: \_\_\_\_\_ ON 06/07/09 METHOD: \_\_\_\_\_

1 PREMISES: 9999999999999999999999999999 LOCATION: 260 RECTOR PLAC MANHATT

\*\*\*\*\*

1 ARRESTING OFFICER INFORMATION \*\*\*\*\*

1 NAME: \_\_\_\_\_

ARRESTING OFFICER INFORMATION  
NAME: ADAMS PAUL RANK: DET TAX NUMBER: 903317 SHIELD: 00189  
DEPT: NYPD CND: MDA 001 CHART: DET DUTY CT SQUAD: A ASSN: \_\_\_\_\_  
OFFICER INJURED? NO ASSIGNED? YES ON DUTY? YES IN UNIFORM? NO  
USED FORCE? NO TYPE: \_\_\_\_\_ REASON: \_\_\_\_\_

PO FACD + FFOP ✓  
 SSI + COR F/Std O/C 3-31 ✓  
 XTOP ✓

New AC, <sup>but</sup> <sup>sure</sup> Mit here, ask to keep offer open until  
 new AC can talk to client about it

6/15 /

Standup ADA: Meow

Return Note to: Kratville, Eryck TB 30  
 2010NY022165 VANHOOUTEN, ROMANA May 18, 2010 Rm 969

7/3	D
R <sub>41</sub> D	

Part D

File & Serve Response ✓  
File & Serve VDF ✓  
PO FACD + FFOP (will NOT be offered again after today, DC was advised of this  
7-7) ✓  
XTOP ✓

\*AC: TELL  
+ 3  
CW  
NOT

tb  
Contract  
A

FACD  
+  
FFOP  
J: No help

Standup ADA: Scribi

Return Note to: Kraville, Eryck TB 30 Rm 969  
2010NY022165 VANHOUTEN, ROMANA Jul 13, 2010


Trial Status ~~RSTA~~ NR  
 PTC: 500F + DDP + 6mLR 1  
 I'm on jury duty; this case is being covered by ADA Shira Arnov, x9202, cell  
 = 646-226-3981       

Standup ADA:           

*Blandino*

*Return Note to:*

2009NY033766

Kratville, Eryck  
CASADO, JOEL

TB 30

Jul 13, 2010

Rm 969

a/22	D
2/2-12	

Part D



CRIMINAL COURT OF THE CITY OF NEW YORK  
PART D, COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

vs.

ROMANA VANHOUTEN

Defendant

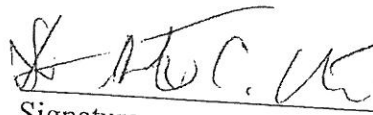
SUPPORTING DEPOSITION  
100.20 C.P.L.

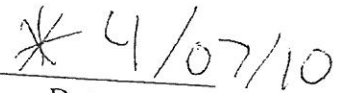
Docket No 2010NY022165

Adjourned Date 5/18/2010

I, Stephen Kutner, of an address known to the New York County District Attorney's Office, have read the attached criminal complaint. The facts in this complaint that are attributed to me are true, and I know these facts from my personal knowledge.

False statements made herein are punishable as a  
Class A misdemeanor pursuant to section 210.45 of  
the penal law.

  
Signature

  
Date

30

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CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

ROMANA VANHOUTEN,

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Defendant.

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CERTIFICATE OF READINESS

DOCKET NO. 2010NY022165

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Cyrus R. Vance, Jr.  
District Attorney  
New York County  
One Hogan Place  
New York, New York 10013  
(212) 335-9000

Kratville + B 30  
15111111

CRIMINAL COURT OF THE CITY OF NEW YORK  
NEW YORK COUNTY PART D

2010 JUN 15 P 3:40

-----X  
THE PEOPLE OF THE STATE OF NEW YORK, :

NOTICE OF OMNIBUS MOTION  
NEW YORK COUNTY

-against-

DKT. #2010NY022165

ROMANA VANHOUTEN  
Defendant.  
-----X

PLEASE TAKE NOTICE, that upon the annexed affirmation and demand to produce of MOLLY J. GALLIVAN, an attorney duly admitted to practice law before the courts of this state, 44 Wall Street, 12<sup>th</sup> Floor, New York, New York 10005, the undersigned will move the Criminal Court of the City of New York, County of New York, Part D, located at 100 Centre Street, New York, NY on the 13th day of July, 2010, at 9:30 a.m., or as soon thereafter as counsel can be heard for an order granting the following relief:

- I. **MOTION TO DISMISS THE INFORMATION FOR FACIAL INSUFFICIENCY PURSUANT TO C.P.L. §170.30(1)(a), UPON THE GROUND THAT THE INFORMATION IS DEFECTIVE WITH IN THE MEANING OF C.P.L. § 170.35, 100.40, AND 100.15;**
- II. **MOTION FOR PRECLUSION OF DEFENDANT'S PRIOR BAD ACTS;**
- III. **REQUEST FOR A BILL OF PARTICULARS;**
- IV. **DEMAND FOR DISCOVERY;**
- V. **RESERVATION OF RIGHTS;**

And for such other and further relief as this court deems just and proper.

Dated: June 14, 2010  
New York, New York

Robert Morgenthau  
District Attorney, New York County  
1 Hogan Place  
New York, NY 10013

Yours, etc.,

MOLLY J. GALLIVAN, ESQ



Clerk, Criminal Court  
Part D  
100 Centre Street  
New York, NY 10013

Attorney for Defendant  
44 Wall Street, 12<sup>th</sup> Floor  
New York, NY 10005

CRIMINAL COURT OF THE CITY OF NEW YORK  
NEW YORK COUNTY PART D

-----X  
THE PEOPLE OF THE STATE OF NEW YORK, :  
:  
-against- :  
:  
ROMANA VANHOUTEN :  
Defendant. :  
-----X

AFFIRMATION

DKT. #2010NY022165

I, MOLLY J. GALLIVAN, an attorney duly admitted to practice law before the courts of this state, and the attorney of record for the defendant, affirms the following allegations under the penalties of perjury:

1. I am fully familiar with the facts and circumstances set forth here, and this affirmation is made in support of the defense motion, notice of which is appended.
2. This affirmation is made on information and belief, the sources of which are official court papers, official documents pertaining to this case, interviews with defendant, discussions with prior counsel, and independent investigation by defense counsel.
3. On March 23, 2010, Ms Vanhouten was arraigned in the Criminal Court of the City of New York, and charged with one count of Stalking in the Fourth Degree in violation of PL §120.45(1) and one count of Stalking in the Fourth Degree in violation of PL §120.45(2), both class B misdemeanors. She was released on her on recognizance and the case was adjourned to May 18, 2010 for corroborating affidavit.
4. On March 31, 2010, the People filed a superseding information, charging the same crimes but with different factual allegations.

The factual portion of the accusatory instrument reads in pertinent part:

DEPONENT STATES THAT THROUGHOUT THE PERIOD FROM JANUARY 26, 2010, THROUGH MARCH 16, 2010, WHILE INSIDE 280 RECTOR PLACE AND 32 OLD SLIP, IN THE COUNTY AND STATE OF NEW YORK, DEPONENT RECEIVED NUMEROUS TEXT MESSAGES FROM THE